

***Draft* MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, November 4, 2014  
**Time:** 6:00 PM Closed Session/ 7:00 PM  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**CALL TO ORDER**

Mayor Esteves called the meeting to order at 7:27 PM. The City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Polanski, Councilmembers Giordano and Montano

**ABSENT:** Councilmembers Gomez

**CLOSED SESSION**

City Attorney Mike Ogaz announced a contract with the Milpitas Police Officers Association, a two year contract from January 1, 2015 through 2016, terms of which include 3.5% salary increase in the first year and 3.5% salary increase in the second year, was approved by unanimous vote of the Council. The Memorandum of Understanding would be voted upon at the next meeting.

**PLEDGE**

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

**INVOCATION**

Mayor Esteves offered a prayer to start the meeting.

**MEETING MINUTES**

Motion: to approve the minutes of October 21, 2014 City Council meeting

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of:  
AYES: 4  
NOES: 0  
ABSENT: 1 (Gomez)

**SCHEDULE OF MEETINGS**

Motion: to approve Council Calendars/Schedule of Meetings for November 2014, as amended

City Manager Tom Williams reported that the Milpitas Oversight Board met on Monday, November 3 and its next meeting was scheduled for Tuesday, December 2 at 3:00 PM.

Also the Bicycle Pedestrian Advisory Commission meeting scheduled for November 6 had been canceled.

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of:  
AYES: 4  
NOES: 0  
ABSENT: 1 (Gomez)

**PRESENTATION**

Mayor Esteves presented a certificate of recognition to Mr. Dalwinder Singh Dhoot, Chairman of North American Punjabi Association, for his service to the community.

**PUBLIC FORUM**

Melanie Lewart, President of Milpitas Camera Club, invited all to an exhibit on display in the lobby of City Hall, showing some history of Milpitas through the decades.

Evan Knapp, representing Integral Communities which was building two residential developments in the Transit Area, discussed steps taken by the City Council to schedule and later cancel a study

session on the projects he wanted to move forward. He commented on being stymied by the City Manager's office and simply wanted to move ahead on the projects. Mr. Knapp reviewed recent history and actions requested of staff for approval of tract maps.

Gordon Hart, attorney from the Paul Hastings LLC law firm, representing Integral Communities, discussed correspondence sent to the City about the study session planned and canceled, and commented on violations of the Brown Act and the city's Open Government ordinance. On this date, he'd submitted a claim for damages to the City Clerk. He stated that Integral remained interested in building its approved project in the Transit Area of Milpitas.

Robert Marini, Milpitas resident, thanked the League of Women Voters and others for assisting with educating the community about the election. He hoped to see representatives elected this evening who would actually represent the people of Milpitas.

## **ANNOUNCEMENTS**

City Manager Williams announced a meeting scheduled on Thursday, November 6 at 7:00 PM at the Embassy Suites hotel, which was an opportunity for City of San Jose to take testimony on the proposed Newby Island Landfill expansion plan.

Vice Mayor Polanski invited all to attend the City's annual ceremony honoring veterans on Tuesday, November 11, 2014 on Veterans Day.

In response to the Vice Mayor's inquiry, City Engineer Jeff Moneda announced a public meeting on the feasibility study for a skateboard park. The community meeting was planned on Wednesday, November 5 at 6:30 PM at the Community Center, for the public with staff and consultants regarding what type of facility was desired and further steps.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

## **APPROVAL OF AGENDA**

Motion: to approve the agenda

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Gomez)

## **CONSENT CALENDAR**

Motion: to approve the Consent Calendar items (noted by \*asterisk)

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Gomez)

### **\* 1. Monthly Odor Report**

Received the odor report update.

### **\* 2. RSRAC Commission Reappointment**

Re-appointed Conrad Chua to the Recycling and Source Reduction Advisory Commission as Alternate No. 2 to a term that will expire in October 2016.

### **\* 4. Portfolio Status**

Received the investment report for the quarter ended September 30, 2014.

### **\* 5. Resolution**

Adopted Resolution No. 8417 granting initial acceptance of public improvements for Sewer Line 11A and portion of 11B, Improvement Plan No. 2-1153 (Tracts 10137, 10159), Project No. 2709, subject to a one-year warranty period and reduction of the faithful performance security to \$225,000.

- \* 6. Resolution                      Adopted Resolution No. 8418 granting initial acceptance of public improvements for Sewer Line 11B-2 / 11C, Improvement Plan No. 2-1159 (Tract 10138), Project No. 2762, subject to a one-year warranty period and reduction of the faithful performance security to \$220,000.
  
- \* 7. Resolution                      Adopted Resolution No. 8419 authorizing the purchase of ten police vehicles from the National Auto Fleet Group for the not-to-exceed amount of \$344,957 through a cooperative procurement contract in accordance with the Milpitas Municipal Code.
  
- \* 8. Agreement with Artists        Approved the agreement with artists Joe Bologna and Patricia Vader in the amount of \$20,000 for public art piece Kicker Kid at Cardoza Park.
  
- \* 9. Agreement with County for    1. Authorized the Chief of Police to execute the agreement with the County of Santa Clara Avoid the 13                      for the 2015 Avoid the 13 grant program.  
    2. Approved a budget appropriation in the amount of \$11,500 to the Police Department overtime budget as a result of the 2015 Avoid the 13 grant program.
  
- \*10. Agreement with The        Approved a consultant agreement with The Shalleck Collaborative, Inc. in the not-to-exceed amount of \$28,000 and for a term from November 4, 2014 to November 4, 2016 Shalleck Collaborative            for design services for replacement of the Community Center Auditorium Audio Visual equipment, Project No. 3406.
  
- \*11. Amendment Peelle Tech.    1. Approved Amendment No. 2 to the agreement with Peelle Technologies, Inc. increasing compensation for document imaging services from July 31, 2014 to July 31, 2016 to the annual not-to-exceed amount of \$75,000.  
    2. Approved a budget appropriation of \$15,000 from the Permit Automation Fund.

## **NEW BUSINESS**

- 3. Preliminary Year End        Finance Director Emma Karlen provided an overview and summary of the preliminary Financial Report FY 2013-14    year end results of the Fiscal Year, 2013-14, in advance of the formal audit report. She detailed increased revenue of \$68.6 million, which was \$5.8 million higher than anticipated. Savings of \$3.1 million were achieved in the General Fund expenditures, since City departments did not spend all budgeted amounts. Also, she explained the payout necessary due to the final settlement of former Redevelopment Agency lawsuits.  
  
    There was \$13.5 million in undesignated reserve funds, which was slightly over the 15% of expenditure policy of the City. Funds available for the future Capital Improvement Program were available from the Transient Occupancy Tax fund and the General Government Capital Improvement Program fund.  
  
    Councilmember Montano asked about the required reserve fund. Mrs. Karlen stated there was no state law requiring that but it could be designated by City Council though. 15% of expenditures was the current reserve policy in Milpitas. Ms. Montano also asked for further explanation of designated reserves, saved for claims and other expenses.  
  
    Mayor Esteves next invited speakers from audience.  
  
    Voltaire Montemayor, Milpitas resident, inquired about sales tax revenue and the amount incoming should be big, he felt.  
  
    Robert Marini, Milpitas resident, inquired as to what amount of the total reserve was for salaries of city employees. Mrs. Karlen responded to the resident's question stating that 80% of the City's General Fund budget was for employee salaries.  
  
    Motion: to receive the oral report from the Finance Director of year end financials for the recent Fiscal Year ended June 30, 2014

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Gomez)

**ADJOURNMENT**

Mayor Esteves adjourned the joint City Council meeting at 8:04 PM.

*Meeting minutes respectfully submitted by  
Mary Lavelle, City Clerk*